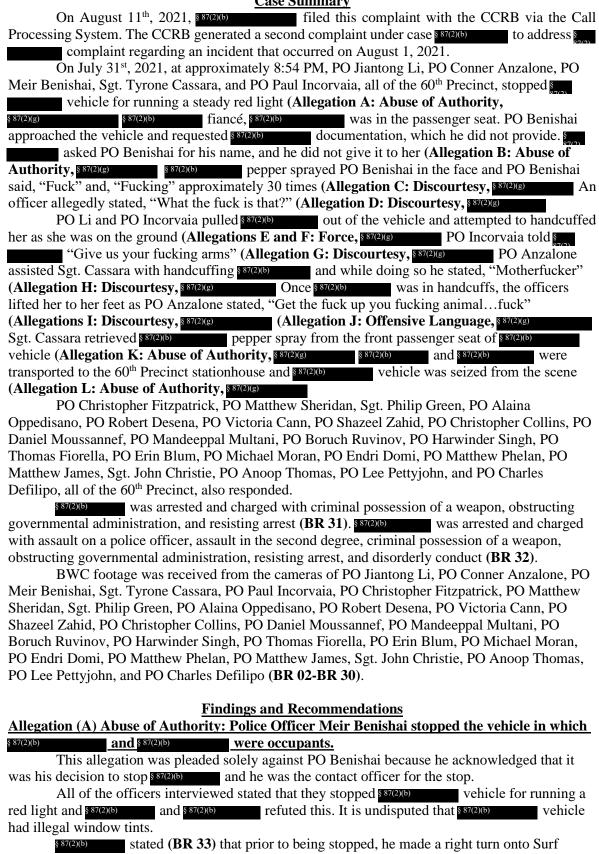
CCRB INVESTIGATIVE RECOMMENDATION

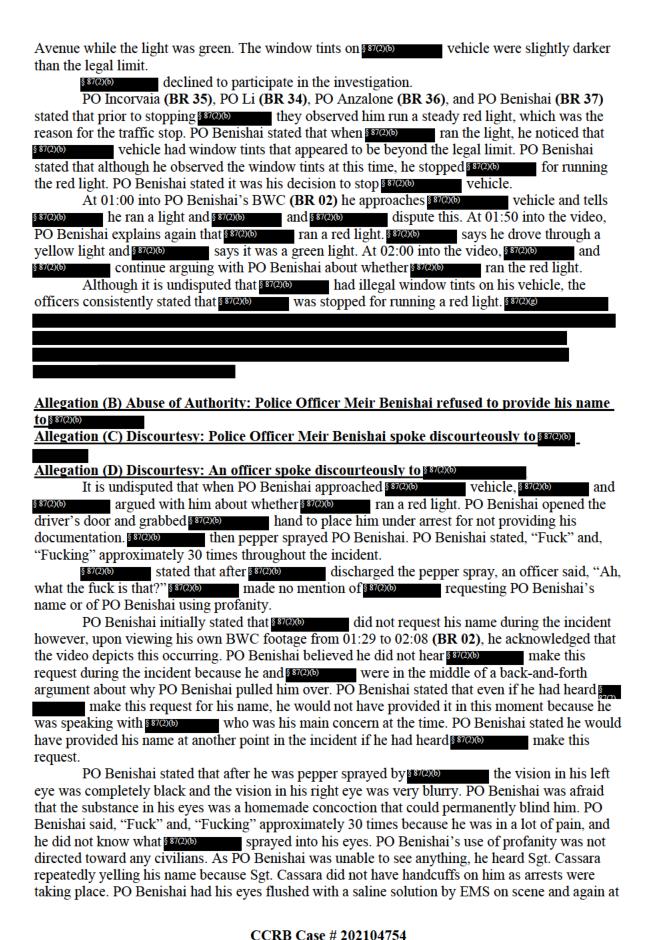
Investigator:	7	Геат:	CCRB Case #:	V	Force	V	Discourt.		U.S.
McKenzie Dean		Squad #16 202104754		<u></u>	Abuse	<u></u> ✓	O.L.		Injury
		•		_		_		_	
Incident Date(s)]	Location of Incident:		P	recinct:	18	Mo. SOL]	EO SOL
Saturday, 07/31/2021 8:54 PM		Northwest corner of We Surf Avenue	est 21st Street and		60	1/	31/2023	1	/31/2023
Date/Time CV Reported	(CV Reported At:	How CV Reported:		Date/Time	Rece	eived at CC	RB	
Wed, 08/11/2021 8:10 AM	•	CCRB	Call Processing System		Wed, 08/1	1/202	1 8:10 AN	1	
Complainant/Victim T	ype	Home Addre	ss						
Subject Officer(s)	hield	TaxID	Command						
1. POM Jiantong Li	2604	967579	060 PCT						
2. POM Conner Anzalone	5317	961622	060 PCT						
3. POM Meir Benishai 1'	7590	967769	060 PCT						
4. SGT Tyrone Cassara 0:	1161	950172	060 PCT						
5. POM Paul Incorvaia 12	2325	967556	060 PCT						
6. An officer									
Witness Officer(s) S	hield No	Tax No	Cmd Name						
POM Christophe Fitzpatrick 29	9869	967066	060 PCT						
	6399	965525	060 PCT						
3. SGT Philip Green 04	4723	949059	060 PCT						
4. POF Alaina Oppedisano 00	6000	966750	060 PCT						
5. POM Robert Desena 03	3631	961726	060 PCT						
6. POF Victoria Cann 02	2116	960498	060 PCT						
7. POM Shazeel Zahid	8258	959396	060 PCT						
8. POM Christophe Collins 03	8723	961702	060 PCT						
9. POM Daniel Moussannef 14	4212	967618	060 PCT						
10. POM Mandeeppal Multani 14	4564	964180	060 PCT						
11. POM Boruch Ruvinov 23	8496	966931	060 PCT						
12. POM Harwinder Singh 0'	7920	961694	060 PCT						
13. POM Thomas Fiorella	8179	952734	060 PCT						
14. POF Erin Blum	6130	966466	060 PCT						
15. POM Michael Moran 20	0363	970006	060 PCT						
16. POM Endri Domi 18	8582	958253	060 PCT						
17. POM Matthew Phelan 22	2225	962689	060 PCT						
18. POM Matthew James 2'	7321	968512	060 PCT						
19. SGT John Christie 02	2227		060 PCT						
	5808		060 PCT						
_	8969	961102	060 PCT						

Witness Officer(s)	Shield No	Tax No	Cmd Name	
22. POM Charles Defilipo	00584	961729	060 PCT	
Officer(s)	Allegation			Investigator Recommendation
A.POM Meir Benishai	Abuse: Police which § 87(2)(b)	Officer Meir B	enishai stopped the vehicle in were occupants.	
B.POM Meir Benishai	Abuse: Police name to § 87(2)(b)		enishai refused to provide his	
C.POM Meir Benishai	Discourtesy: F discourteously		leir Benishai spoke	
D. An officer	Discourtesy: A	An officer spoke	e discourteously to § 87(2)(b)	
E.POM Jiantong Li	Force: Police (§ 87(2)(b)	Officer Jiantong	g Li used physical force against	
F.POM Paul Incorvaia	Force: Police (against § 87(2)(b)	Officer Paul Inc	corvaia used physical force	
G.POM Paul Incorvaia	Discourtesy: F		aul Incorvaia spoke	
H.POM Conner Anzalone	Discourtesy: F discourteously		Conner Anzalone spoke	
I.POM Conner Anzalone	Discourtesy: F discourteously		Conner Anzalone spoke	
J.POM Conner Anzalone	Off. Language remarks to § 870		r Conner Anzalone made ased upon race.	
K.SGT Tyrone Cassara	Abuse: Sergea which § 87(2)(b)	ant Tyrone Cass and §	sara searched the vehicle in were occupants.	
L.POM Jiantong Li	Abuse: Police property.	Officer Jianton	g Li seized § 87(2)(b)	

Case Summary



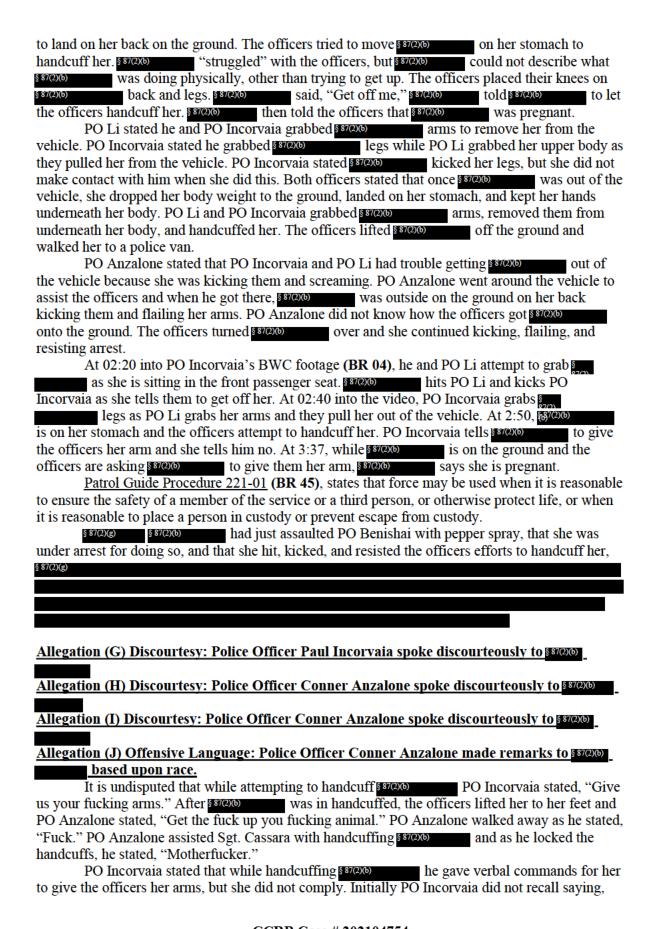
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PO Benishai and PO Anzalone both stated they did not recall an officer saying, "What the fuck is that." At 01:00 into PO Benishai's BWC footage (BR 02), PO Benishai approaches vehicle and tells him he ran a light. \$87(2)(6) and \$887(2)(6) simultaneously refute this. repeatedly asks why PO Benishai is pulling him over. In the midst of \$87(2)(6) this, and at 01:40 into the video, \$37000 says, "For what? For what? What is your name?" says, "I see his badge. Why are you pulling me over?" PO Benishai explains again that is being pulled over for running a red light and \$87(2)(6) and \$87(2)(6) simultaneously refute this again. Throughout this conversation, PO Benishai is only responding to and does not engage in conversation with \$87(2)(6) at any point. At 02:15 into the video, \$87(2)(6) pepper sprays PO Benishai and he walks away from the vehicle. PO Benishai does not have any further contact with \$87(2)(6) OT § 87(2)(b) the incident. Throughout the remaining 7 minutes and 13 seconds of PO Benishai's BWC footage, he states, "Fuck" and, "Fucking" approximately 30 times as he says he cannot see, tells the officers to call an ambulance, rinses his eyes with water, and receives treatment from EMS. PO Benishai's profanity use is not directed toward any civilians at any point. PO Anzalone's BWC footage captures the moments after \$87(2)(6) discharged the pepper spray and does not depict an officer stating, "What the fuck is that." Administrative Guide Procedure 304-11 (BR 50) states officers must courteously and clearly state their rank, name, shield number and command, or otherwise provide them, to anyone who requests them to do so. Patrol Guide Procedure 200-02 (BR 40) states members of service must respect the dignity of each individual and render services with courtesy and civility. While police officers are held to a high standard of conduct, traditional rules of etiquette cannot be applied to stressful enforcement situations. Disciplinary Case 2013-10143 (BR 38). Officers may use profanities "in the context of a dynamic situation over which [he or she is] attempting to gain control," but may not do so when it "[serves] no legitimate purpose but to belittle" a civilian (PD v. Pichardo, DAO DCT Case Number 2015-15012) (BR 39). Given that BWC shows that when § 87(2)(6) requested PO Benishai's name, were simultaneously addressing PO Benishai and speaking over each other, and that PO Benishai was only responding to \$37000 during this conversation, Moreover, even if PO Benishai had heard make this request, given that she pepper sprayed him in the face approximately 40 seconds later, Moreover, given that PO Benishai's profanity was used in the context of him being painfully blinded by an unknown substance during a traffic stop as two arrests were taking place, and that it was not directed toward any civilians, \$87(2)(g) Furthermore, given that BWC footage of the moment during which \$87(2)(6) alleged an officer stated, "What the fuck is that" does not depict this occurring, \$87(2)(g) Allegation (E) Force: Police Officer Jiantong Li used physical force against Allegation (F) Force: Police Officer Paul Incorvaia used physical force against \$87000 It is undisputed that \$87000 was arrested for pepper spraying PO Benishai. PO Li and PO Incorvaia pulled \$37(2)(6) out of the vehicle, and she ended up on the ground. \$37(2)(6) resisted the officers' efforts to handcuff her. stated officers pulled (880) out of the vehicle by her arms, causing her

the hospital following the incident. PO Benishai felt the pain from the pepper spray for weeks.



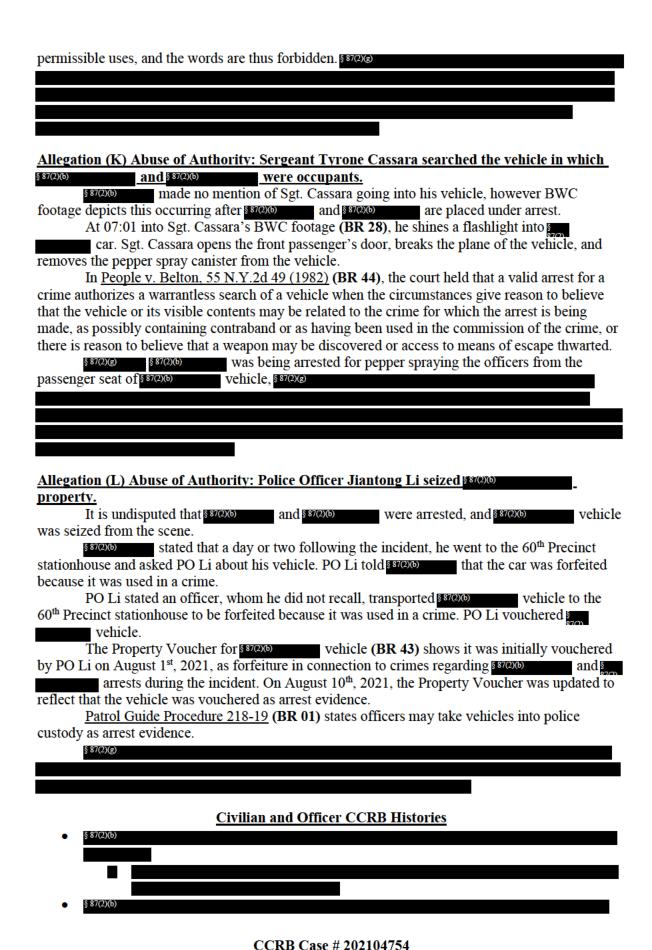
CCRB Case # 202104754

"Give us your fucking arms," however upon viewing 02:07 to 03:20 of his own BWC footage (BR 04), he acknowledged that he made this statement to get \(\) \(\) to comply so the officers could place her into handcuffs as quickly as possible. PO Anzalone stated that when he said, "Get the fuck up you fucking animal," [87(2)(6)] was refusing to get up, she was cursing, and she was kicking. PO Anzalone stated he had no reason for using profanity in this moment. PO Anzalone stated that the reason he called \$87(2)(6) animal was because she had just feloniously assaulted and blinded PO Benishai and PO Anzalone did not know if he would get his vision back. PO Anzalone stated that when he said "animal," he meant a person that assaults police officers with a spray and blinds them. PO Anzalone said this statement was not made in reference to § \$7(2)(6) race and was only made in reference to § blinding PO Benishai. PO Anzalone did not recall stating, "Motherfucker," however upon viewing 03:28 to 03:40 of his BWC footage (BR 03), he acknowledged making this statement. PO Anzalone stated he used profanity at this time because it was the heat of the moment, was not handcuffed, and he was resisting. PO Anzalone did not recall stating, "Fuck," however upon viewing 04:38 to 04:46 of his BWC footage, he acknowledged making this statement. PO Anzalone stated he used profanity in this moment because he was frustrated that his partner had just been sprayed with pepper spray in his eyes and blinded. PO Anzalone also got pepper spray in his mouth and somewhat in his eyes. PO Anzalone stated there was no other reason he used profanity in this moment. At 03:05 into PO Incorvaia's BWC footage (BR 04), he states, "I got one arm." says, "Let me get my glasses" and PO Incorvaia states, "Give us your fucking arm." responds, "No, let me get my glasses." PO Incorvaia states, "I'll let you get your glasses when you give us your arm." states, "No." The video does not clearly depict what is happening at this point because the camera is obstructed by PO Incorvaia's arm as he holds onto At 03:55 into the video, PO Incorvaia asks \$87(2)(b) to give them her arm and she responds, "No, get the fuck off me." At 04:50 into the video, the officers handcuff At 03:30 into PO Anzalone's BWC footage (BR 03), he states, "Motherfucker" as he is handcuffing \$3000 At 04:30 into the video, the officers lift \$3000 to her feet as PO Anzalone states, "Get the fuck up, you fucking animal...fuck." Patrol Guide Procedure 200-02 (BR 40) states members of service must respect the dignity of each individual and render services with courtesy and civility. While police officers are held to a high standard of conduct, traditional rules of etiquette cannot be applied to stressful enforcement situations. Disciplinary Case 2013-10143 (BR 38). Officers may use profanities "in the context of a dynamic situation over which [he or she is] attempting to gain control," but may not do so when it "[serves] no legitimate purpose but to belittle" a civilian (PD v. Pichardo, DAO DCT Case Number 2015-15012) (BR 39). Per the National Education Association (BR 41), the word animal has a history of dehumanizing people of color, and as such should be classified as offensive language when applied in the moment PO Incorvaia states, "Get your fucking arms behind your back," he was issuing a lawful command to \$87(2)(6) as she was resisting arrest, § 87(2)(g) Moreover, although § 87(2)(6) was not yet in handcuffs at the point during which PO Anzalone referred to him as a "motherfucker," \$\$7(2)(9)

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Furthermore, offensive language, unlike discourteous language, contains no caveats or



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§ 87(2)(b)			
PO T : 1	1 1 0		· · · · · · · · · · · · · · · · · · ·
		e for three years and has been a sub	ject in four CCRB
-	ts and seven allegations.		
0 30	14-769		
0 20	02008286 involves allega	tions of a question and a refusal to o	btain medical
tr	eatment and currently ren	nains open.	
O § 8	7(2)(g)		
- 2	02106601 involves on all	eation of force and appropriate compain	na anan
-	02106681 ilivoives ali alie 87(2)(g)	egation of force and currently remain	ns open.
0 8			
PO Anzal	one has been a member o	f service for six years and this is the	first CCRB
	to which he has been a si		
		service for three years and has been	named a subject in
	B complaint and five alleg		
		tions of refusal to provide name, ref	
		ch, and discourtesy and currently re	mains open.
O §8	7(2)(g)		
Sot Cass	ara has been a member of	service for 11 years and has been na	amed a subject in
		egations, none of which were subst	
	1	0	(g)
PO Incorv	vaia has been a member o	f service for three years and has bee	n named a subject i
	B complaint and one alleg		
		egation of force and currently remain	ns open.
O §8	7(2)(g)		
	Mediation, (Civil, and Criminal Histories	
• This case	was not suitable for medi		
		n search request was submitted to th	
-		which will be added to the case file	upon receipt.
[§ 87(2)(b)] [§§ 86	5(1)(3)&(4)] [§ 87(2)(c)]		
. =			
uad:1	0		
vestigator:	Inv. Dean	Inv. Dean	7/28/22
	Signature	Print Title & Name	Date

Squad Leader:			
•	Signature	Print Title & Name	Date
Reviewer:			
Reviewer.	Signature	Print Title & Name	Date